(Amended) A composition comprising DNA obtained [according to] by the process of claim 1 and a pharmaceutically acceptable carrier.

In the Abstract, lines 6 and 7, change "or DNA as prepared herein." To --as well as to a composition comprising DNA prepared by the foregoing process.--.

~~Not Rule 1.121: over 5 words to be inserted~~

**Remarks**

In accordance with the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequences Set Forth in the Action, a substitute computer readable sequence and corresponding substitute paper copy, in which the defects set forth in the Raw Sequence Listing Error Report attached to the Action have been corrected, is enclosed herewith. The corrections are believed to be self-explanatory and based on the corresponding description in the disclosure. Basis for the corrections to the Sequence Listing appears, for example, at page 6, lines 12-22, page 7, lines 1-23, page 17, lines 3-14, page 17, line 22-page 18, line 5, and page 24, lines 19-23. In addition, the disclosure has been amended to correct inadvertent editorial errors, including references to Sequence I.D. Nos. as needed for accuracy, and the Abstract has been amended for clarity. No new matter has been added. In view of the foregoing, the Notice to Comply should be withdrawn.

In addition, the claims have been amended for clarity and to overcome the rejection under 35 U.S.C. 101 set forth on page 3 of the Action. Claim 1 has been rewritten in Jepson form and amended to recite additional process steps. Claim 2 has been amended to depend from Claim 1. Claim 11 has been amended to correct an editorial error, and claim 26 has been amended to better product-by-process form as well as to recite that the carrier is pharmaceutically acceptable. Reconsideration and withdrawal of the rejection under 35 U.S.C. 101 are respectfully requested in view of the foregoing amendments to the claims.

The Examiner's indication that claim 11 is allowable is noted with appreciation.

Reconsideration and withdrawal of the only remaining rejection set forth in the Action, the rejection of claims 23-26 under 35 U.S.C. 102(e) as anticipated by Woodward et al. (U.S. Patent No. 5,674,997) or Horn et al. (U.S. Patent No. 5,576,196), are respectfully requested. Thus, Woodward et al. are concerned with methods of purifying DNA using silicon-containing material. However, the patentees do not even mention the separation of chromosomal DNA from plasmidic DNA.

Accordingly, they fail to disclose or suggest the process described and claimed in the present application, much less DNA products having the attributes recited in product claims 23-26, that is, recombinant plasmid DNA compositions wherein the chromosomal DNA content is less than or equal to 0.01%, as recited in claim 23, or wherein endotoxin levels are less than or equal to 50 EU/mg (claim 24) or 10 EU/mg (claim 25), nor, *a fortiori,* a composition as recited in claim 26, comprising DNA obtained by the process of claim 1 and a pharmaceutically acceptable carrier.

Similarly, Horn et al. disclose a process for reducing RNA concentration in a mixed solution of RNA and DNA by using diatomaceous earth. However, as in the case of Woodward et al. discussed above, Horn et al. also fail to disclose or suggest DNA compositions having the attributes recited in claims 23-26.

Accordingly, the claimed compositions are novel and unobvious over the disclosures of the foregoing references. Therefore, the rejection under 35 U.S.C. 102 (e)is untenable and should be withdrawn.

It is respectfully submitted that all the claims in the application are in condition for allowance. Early notice to this effect is respectfully requested.

Respectfully submitted,

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